

Please amend the specification as follows:

Page 1, please delete "Cross Reference to Related Applications" and replace with the following:

**--CROSS REFERENCE TO RELATED APPLICATIONS**

This application is related to U.S. Serial No. 60/391,528, filed June 25, 2002, entitled "A Moisture-Proof Resealable, non-Cylindrical Container for Consumer Packages"; is also related to U.S. Serial No. 09/876,381, filed June 1, 2001, now U.S. Patent No. 6,705,463, issued March 4, 2004, entitled "Flip Top golf Ball Container Assembly Provided with Moisture Barrier Properties" and is also related to U.S. Serial No. 09/386,702, filed August 31, 1999, now U.S. Patent No. 6,769,558, issued August 3, 2004, entitled "A Leak-Proof Container and Cap Assembly.—

Page 1, line 17, "Background of the Invention", replace "Co-pending U.S. application no. 09/386,702, filed August 31, 1999" with -- "Co-pending U.S. application no. 09/386,702, filed August 31, 1999, now U.S. Patent No. 6,769,558, issued August 3, 2004 --.

Please delete the following paragraph at page 5, lines 4-10, this is a duplicative paragraph.

The specification was objected to under 37 CFR 1.71 as failing to adequately teach how to make and/or use the invention. The Examiner states that the application "fails to sufficiently describe the skirt comprising at least four portions, a first portion... as recited in claim 1." The specification has been amended to include the description of the four portions, which were shown in Fig. 7 as originally filed. Replacement pages are enclosed herewith. Fig. 7B is also submitted for the Examiner's consideration and approval. Fig. 7B distinctly shows the four portions of the inner wall of the skirt.

The Examiner has also objected to the Abstract. Please delete the current Abstract and replace with the following:

Figure 5 is a perspective view of an embodiment of the hinge, which connects the cap and container;

Figures 6A through 6H are another embodiment of the present invention showing perspective, side, top and cross-sectional views;

Figure <sup>7</sup>~~7A~~ is a side elevational view of another embodiment of the present invention;

Figure 7B shows a cross-sectional view of another embodiment of the present invention;

Figure 8 is a plot of moisture ingress through the seal over a 50 day period (measured in hours);

#### **DETAILED DESCRIPTION OF THE PRESENT INVENTION**

The present invention relates to a moisture proof, resealable non-cylindrical container and lid assembly. The term "resealable" means that the closure can be closed at least once after the container is opened for the first time. Preferably, the closure can be opened and closed additional times after the initial opening.

In another embodiment, the non-cylindrical cap and container assembly, in a closed position, forms a moisture proof seal. The term "moisture proof" refers to a rate of ingress of moisture into a sealed container of about 500 pg/day or less determined by the test method of the example.

Referring now to Figures 1 and 2, where one embodiment of the resealable cap and container assembly 10 of the present invention is illustrated, the assembly 10 includes a container 20 having a base 28, an internal cavity 27, an outer surface 25, an upper portion 21 and lower portion 26. The container 20 has a rim 22 at the upper portion 21. The assembly 10 also has a cap 30 which has a base 31 and a skirt 33 extending perpendicularly around the outer periphery of the base 31. Optionally, the cap 30 is provided with a thumb tab 36 for facilitating the opening and closing of the container, and is attached to the container 20 by hinge 40. The tab 36 and hinge 40 are preferably positioned on opposing ends of the cap and extend perpendicularly from the skirt 33 of the cap 30.

The container may also have a flange 24 projecting radially outwardly from the outer surface 25 of the container 20. One or more hinges 40 are attached to the container flange 24 or, to another part of the container. The hinge 40 also has a recess 42 that functions as a bending point during the opening and closing of the container. The hinge 40 has two elements, 40A and 40B, respectively, formed on either side of the recess. One element 40A is attached to the flange 24 of the container 20 and the second element 40B is attached to the cap 30.